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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,273	12/14/2001	Lirio Quintero	154-26969-US	3997

23770 7590 11/25/2005

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EXAMINER

TUCKER, PHILIP C

ART UNIT	PAPER NUMBER
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1712

DATE MAILED: 11/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,273

Applicant(s)

QUINTERO, LIRIO

Examiner

Philip C. Tucker

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) See Continuation Sheet is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 360,370,372,375-391,603-620,622-628 and 630-634 is/are allowed.
- 6) ☒ Claim(s) 329-359 and 361-364 is/are rejected.
- 7) ☒ Claim(s) 413,415,417,418,420-433,437-462,465-470,473-476,478-488,492-499 and 503-507 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Continuation of Disposition of Claims: Claims pending in the application are 329-364,370,372,375-391,413,415,417,418,420-433,437-462,465-470,473-476,478-488,492-499,503-507,603-620,622-628 and 630-634.

DETAILED ACTION

Claim Objections

1. Claims 413, 415, 417, 418, 420-433, 437-462, 465-470, 473-476, 478-488, 492-499, 503-507 are objected to because of the following informalities: The claims teach a quantity of water soluble polymer comprising polymers selected from a group of starches, then teaches the water soluble polymer comprising xanthan. As written the scope of the claim is not clear. It is recommended that the word "further" be inserted before "comprising xanthan polysaccharides", or some other amendment suitable to applicant, in order to clarify the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 329-359 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 329, the polymer contains 50 wt % xanthan and 50 wt% starch, thus the use of the term "comprising" is improper, since 100% of the polymer is satisfied.

Furthermore, such cannot comprise other polymers as taught in claims 349-351 and 359

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 361-364 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell (6020407) optionally in view of House (5977030).

Campbell teaches a thickening composition which comprises a polymer and a surfactant associated therewith (see column 6, lines 38-44). The composition may be used to thicken drilling fluids (see column 1, lines 36-62). The polymer may be a starch (see column 3, lines 48-49), or other polymers useful in drilling fluids (column 3, lines 23-30). The surfactants are within the scope of the present invention (see column 7, lines 38-48). Although a specific example of a composition comprising the polymer and surfactant at the specified concentration of claim 361 is not disclosed, it would have been obvious to one of ordinary skill in the art to vary the concentration within the scope of the teachings of column 8, lines 44-51, and ratios of column 6, lines 38-44 of Campbell, given the teaching of Campbell that polymer thickened fluid will form within such ranges. Campbell further differs in that the specified molecular weights and types of starch are not specifically disclosed. The range of molecular weights claimed from 200,000 to 2,500,000 is within the typical molecular weights of starches used in drilling

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fluids, and their use would be obvious to one of ordinary skill in the art. The types of starch substituents of the present claims, are notoriously known in the art of drilling fluids, and would be obvious to one of ordinary skill in the art over the teachings of drilling fluids by Campbell. Optionally, House teaches that such types of starch are known in the art of drilling fluids, and would be obvious to one of ordinary skill in view of the teaching of drilling fluids by Campbell.

1. Please see PTOL-37 form for allowable claims.
2. Applicants arguments and amendment have been considered but are deemed only partially persuasive. The rejection of claims 361-364 under 35 USC 103 is maintained, since such rejection was not addressed. New rejections/objections are made in view of applicants amendment.
3. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip C. Tucker whose telephone number is 571-272-1095. The examiner can normally be reached on Monday - Friday, Flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Philip C Tucker
Primary Examiner

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